



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
November 9, 2010

*This meeting may be held electronically
to allow a Councilmember to participate.*

4:00 P.M. WORK SESSION – LIBRARY MEDIA AUDITORIUM

1. DISCUSSION – General Plan

5:00 P.M. STUDY SESSION – LIBRARY MEDIA AUDITORIUM

AGENDA REVIEW

2. The City Council will review the items on the agenda.

CITY COUNCIL - NEW BUSINESS

3. This is an opportunity for members of the City Council to raise issues of information or concern.

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

4. MINUTES of City Council Meeting – October 26, 2010

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

5. UPCOMING EVENTS

6. UPCOMING AGENDA ITEMS

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder’s Office at least 3 working days prior to the meeting.
(Voice 229-7074) (TDD # 229-7037)

This agenda is also available on the City’s Internet webpage at orem.org

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

Metropolitan Water Board – 1 vacancy

Summerfest Advisory Committee – 2 vacancies

8. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS

**9. AWARD – Paul Johnson - Employee Support for Guard & Reserve (ESGR) –
Presenter Dave Gunn**

CITY MANAGER’S APPOINTMENTS

10. APPOINTMENTS TO BOARDS AND COMMISSIONS

Board of Building and Fire Code Appeals – 1 vacancy

PERSONAL APPEARANCES

11. Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. *(Please limit your comments to 3 minutes.)*

CONSENT ITEMS

12. RESOLUTION - Authorizing the Interim City Manager to Transfer \$30,000 from the City Council Contingency Account to Fund \$10,000 for Newsletter Production and \$20,000 for the Launch of a Neighborhood Grant Program

RECOMMENDATION: The Interim City Manager recommends the City Council, by resolution, authorize the transfer of \$30,000 from the City Council Contingency Fund to the appropriate accounts to fund a limited production of the City newsletter and to launch a Neighborhood Grant Program.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: In the City Council's October retreat, they discussed the need to keep reaching out to the residents to inform them of City activities, programs, and general information. It was determined that the City newsletter reaches a segment of the population that is not readily reached via electronic means.

The Council also discussed a Neighborhood Grant Program that promotes revitalization of neighborhoods through resident participation in small scale improvement projects such as building walking trails, developing neighborhood garden areas, etc. The program is designed to utilize limited City funding, with labor provided by the neighborhood to accomplish a project.

Procedures and policies for initiating this project will be developed by the Neighborhoods in Action Program administered by Joyce Johnson.

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING

13. RESOLUTION – Adopting the Orem Bicycle and Pedestrian Plan

RECOMMENDATION: The Planning Commission recommends the City Council review and, by resolution, adopt the Orem Bicycle and Pedestrian Plan.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The Orem Bicycle and Pedestrian Plan is a product of over one year of development that provides a blue print to make the city more bicycle and pedestrian friendly. The Plan's vision statement reads that "Orem will be the most bicycle and pedestrian friendly city in the State of Utah, and will be rated a 'Platinum' Bicycle Friendly Community by the League of American Bicyclists." The Plan proposes a network of new bikeways and pedestrian facilities, intersection improvements, and programs and policies that the City can implement to reach the Plan's vision and goals.

It was clear from the beginning of the project that gaining public buy-in through an extensive public involvement campaign would be crucial to successful adoption of the Plan. Initially, a survey was developed to gather information from Orem residents about their attitudes and existing bicycle and pedestrian behavior. Nearly 900 residents participated in the survey. A public workshop was held in January 2010 with over 100 attendees to provide ideas for facility improvements. The public was also given the opportunity to comment on the draft recommendations via the project website and interactive Google based maps. In total, it is estimated that approximately 1,100 individuals were involved in various stages of the Plan.

In addition to public consensus, it was also viewed as equally important to gain consensus from elected officials and Orem staff. To further this objective, the project process was also designed to bring about acceptance and excitement within local government. On April 26, 2010, nearly sixty representatives from Orem, Mountainland Association of Governments (MAG), and Utah Department of Transportation (UDOT) attended an all-day design workshop designed to educate practitioners about the proper design and design considerations of bicycle facilities. Bicycle facilities were not only depicted for their obvious benefits to bicyclists, but other benefits to all roadway users including motor vehicles.

On June 2nd, twelve delegates from the City of Orem (including five City Council members) attended a field trip to the City of Boulder, Colorado. The delegation received presentations from Mia Birk, CEO of Alta and Martha Roskowski with the City of Boulder. After lunch, the delegation undertook a three-hour tour of bicycle facilities all around Boulder. The delegation returned to Orem enthused with the vision of what Orem could aspire to, and also an appreciation for the time and resources involved in creating such a bicycle friendly city.

In working with Orem staff over this time, it became apparent that providing a Phase I Plan with a smaller package of projects that the City could work on over the next three to five years would yield the greatest level of support and focus to implementing several strategic routes. A 'Vision Plan' was also developed to depict an optimal 'build-out' of the bicycle network. The Orem Bicycle and Pedestrian Plan should be updated every five years to

reflect the progress made by the City and prioritize new projects. The City should also seize any additional opportunities that arise to provide facilities that are depicted on the Vision Plan. An example of such opportunistic bikeway development would be the new bike lanes along 1600 South and South Main Street that was provided during the Summer of 2010 as a part of scheduled pavement resurfacing projects.

In total, the Orem Bicycle and Pedestrian Plan recommends nearly sixteen miles of new sidewalk, twelve intersection improvements, seventeen miles of new paved shared-use pathways, fifty-six miles of new bicycle lanes, and twenty-three miles of new bicycle routes as a part of the Vision Plan. Of this total, the Phase I Plan encompasses twenty-three miles of new bicycle lanes and three miles of new paved shared-use pathways.

6:00 P.M. PUBLIC HEARING

14. ORDINANCE - Amending Section 22-6-10 of the Orem City Code by Enacting Subsection (J) *Enclosing Existing Carports*

REQUEST: Development Services requests the City Council, by ordinance, amend Section 22-6-10 of the Orem City Code by enacting subsection (J) as it pertains to enclosing existing carports.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: A resident was recently “red-tagged” for not obtaining a building permit to enclose an existing carport. The carport structure does not meet setback requirements and can therefore not be enclosed.

Under the Orem City Code, carports can be enclosed provided they meet building and zoning requirements. Carports must meet the setbacks of the primary dwelling to be enclosed. There are a large number of homes in the city that have carports built into the setbacks. These carports are non-conforming and can therefore not be enclosed.

The issue before the City Council is whether it would beautify the city if existing carports, under certain conditions, were allowed to be enclosed. Carports can become junk collectors. In an effort to clean up neighborhoods, the thought is that if these carports were enclosed, the junk might still be there, but it would be inside and not out for the public to see. A garage full of stuff looks a lot better than a carport full of stuff.

The purpose of the proposed text amendment is not to provide legal status to the example cited above, but to look at the bigger picture of existing carports and determine if this is a tool that can be used to beautify the city.

The proposed text is as follows:

22-6-10(J)

Enclosing Existing Carports. Attached carports in existence as of March 2000, which do not meet current setbacks and are at least five (5) feet from the side property line and twenty-five (25) feet from the front property line are permitted to be enclosed provided the following requirements are met:

1. The existing footprint of the carport shall not be increased unless the portion that is increased meets current Orem City Code requirements.

2. The non-conforming setback shall not be made more non-conforming by reducing the existing setback.
3. Existing carports encroaching on easements shown on a recorded plat of the property shall not be enclosed unless the utility easement(s) is/are vacated through a plat amendment.
4. The proposed conversion from carport to garage meets all applicable building and zoning codes and a building permit is issued for the conversion.

Advantages:

- Enclosing carports improves curb appeal and the aesthetics of a home

Disadvantages

- Less chance that the nonconforming dwelling will be eliminated

6:15 P.M. PUBLIC HEARING

15. ORDINANCE – Vacating Portions of the Public Right-of-Way on Columbia Lane From Approximately 1800 South to 2000 South

RECOMMENDATION: The City Engineer recommends the City Council, by ordinance, vacate portions of the public right-of-way on Columbia Lane from approximately 1800 South to 2000 South.

POTENTIALLY AFFECTED AREA: Cherryhill Neighborhood

BACKGROUND: Columbia Lane is an Orem City Street. This roadway used to be the original road right-of-way for State Street (U.S. Highway 89). Approximately fifty years ago, Utah Department of Transportation (UDOT) realigned the roadway to its current alignment between Orem and Provo. UDOT deeded the roadway right-of-way to the City of Orem.

In 2008, Orem worked with UDOT to clarify titles issues. PEG Development was interested in obtaining roadway title which was not needed by the City. PEG Development was planning on developing the property where the old Geneva Steel Union Hall building was. The City determined the location and alignment of street adjacent to PEG Development. Columbia Lane had varying street boundary alignments, and there was street area which was not needed by the City. UDOT determined what portions of that roadway had revisionary title. PEG Development ended up purchasing from the excess street property.

Since that time, the City has had funding to complete the street improvements. As plans have been prepared, the Orem City Engineer has determined that six small portions of the right-of-way should be vacated and deeded to the adjacent property owners. The recommendation is based on several factors and is as follows:

1. UDOT has no interest in the street title at this location. It is City owned property without revisionary rights to UDOT.
2. The City does not want to maintain the property behind the sidewalk after the street improvements are completed.
3. The adjacent property owners do not want to maintain City owned property but are willing to accept ownership of the vacated property. In most cases, the vacated property does not add any real value to their property.

4. Most of the vacated parcels are subject to utility easements for present or future use.

The six parcels under consideration to be vacated are completely described in the public notice. A public sign in the vicinity of parcels has been posted according to State Code 10-9a-208.

16. RESOLUTION – Approving a Conditional Use Permit for a Dance Club at Pirate Island USA – 959 South 700 East – C2 Zone

REQUEST: Bryson Bennett requests the City Council, by resolution, approve a conditional use permit for a dance club at Pirate Island USA located generally at 959 South 700 East.

POTENTIALLY AFFECTED AREA: Hillcrest Neighborhood

BACKGROUND: Bryson Bennett has filed an application for a conditional use permit to operate a dance club on the premises of Pirate Island Pizza located at approximately 959 South 700 East. Pirate Island Pizza has been in operation as a full-service family restaurant since August 2009. In late September, 2010, staff became aware that Pirate Island was holding dances every Friday night and on some Saturdays. Pirate Island was notified that a conditional use permit was required to hold public dances and that they must immediately discontinue holding public dances until they had received a conditional use permit.

The Pirate Island property is located in the C2 zone and is part of the University Mall complex. Public Dancing (Standard Land Use Code 7215) is a conditional use in the C2 zone. The applicant proposes to host a variety of dances on the property including Latin dance events, college karaoke, hip-hop dances, and other events. The applicant is proposing to operate the dance club between the hours of 9:30 p.m. and 2:00 a.m.

Orem City Code Section 12-5-7 outlines the requirements for public dances. This section establishes certain guidelines that apply to all dances and leaves other requirements open to be decided by the City Council as part of the conditional use permit. These requirements include the following:

1. The applicant must be over the age of 21, be of good moral character and a citizen of the United States. The applicant must not have been convicted of a felony or misdemeanor involving moral turpitude. The Department of Public Safety must conduct a background investigation to ensure that these requirements are met. If the applicant is an entity, then each partner, member, officer and director must meet these qualifications.
2. The proposed location of the public dance must be inspected by the Fire Marshall, the Chief Building Official and the County Board of Health for any possible violations of building, fire or health codes. Any violations must be corrected before the issuance of a permit.
3. Security must be provided at each public dance. The number of security guards required shall be determined by the City Council based on the location of the

premises, the type of premises where the dances will be held and the age group of the expected participants.

4. No alcohol, smoking or controlled substances may be allowed on the premises. No intoxicated, boisterous or disorderly persons may be allowed on the premises. No indecent, violent or vulgar acts may be allowed on the premises.
5. The hours of operation and the age of participants allowed on the premises is to be determined by the City Council as part of the conditional use permit. In cases where no conditional use permit is required for a dance (a conditional use permit is not required for dances sponsored by religious, charitable or educational organizations), a dance is allowed to go until 1:00 a.m., and until 2:00 a.m. on New Year's morning. The minimum age of participants must be at least sixteen years, unless accompanied by an adult.
6. The minimum number of parking stalls is 300.
7. The City Council may also impose other requirements that may be necessary to reasonably mitigate any negative impacts of holding public dances on the property.

Based on the architect's review submitted by the applicant, the maximum occupancy for the dance club at Pirate Island is 892 people. The building space leased by Pirate Island Pizza is part of the University Mall complex that also provides parking for the restaurant site. Under the City's parking ordinance, 255 spaces would be required for occupancy of 892 people based on one parking stall for every 3.5 people. However, as noted above, a minimum of 300 parking stalls are required for a public dance. The mall has sufficient parking to meet the 300 parking stall requirement.

In the event that the Council finds that the anticipated negative impacts of the dance club can be reasonably mitigated and decides to approve the conditional use permit, the Council may want to consider imposing one or more of the following conditions:

- A. That the applicant complies with all requirements outlined in Section 12-5-7, Orem City Code.
- B. That the maximum occupancy for the dance club at Pirate Island not exceed the number of people allowed according to the International Building Code as submitted by a licensed architect and approved by the City.
- C. That the parking lot be monitored to avoid loitering.
- D. That the dance club at Pirate Island provides a minimum of four security personnel at each dance event.
- E. Any modification to this condition use permit will require an additional review by the Planning Commission and City Council.

17. RESOLUTION – Approving the Site Plan for Golden Pond at Sleepy Ridge Phase 6 – 1925 West Golden Pond Way

REQUEST: Golden Holt requests site plan approval to build four twin homes located generally at 1925 West Golden Pond Way in the PD-15 zone.

POTENTIALLY AFFECTED AREA: Sunset Heights Neighborhood

BACKGROUND: This proposal is a continuation of the existing types of homes adjacent to the proposed subdivision. The request is for approval of four twin-homes accessed by a private cul-de-sac. The proposed homes will be similar, but not the same as the existing twin-homes. The existing homes were built by Sequoia Homes who are no longer in business whereas the new builder will be D.R. Horton Homes.

This location was originally approved a few years ago for a community swimming pool and associated uses. However, there was not enough community support to construct and maintain the pool facilities. Since the pool is not a requirement of the ordinance, the developer has chosen to replace the pool with homes.

The area south of the proposed homes will be open space containing a walking trail and gazebo. This will then be turned over to the homeowners association for maintenance and ownership.

The Orem City Code states the City Council shall approve all site plans in the PD-15 zone. Site plan approval is required for all attached dwellings.

18. ORDINANCE - Requiring a Permit from the Department of Public Safety to Hold a Race in the City that Would Disrupt or Interfere With Traffic or Would Not Comply With All Traffic Regulations

RESOLUTION – Amending the Fees and Charges to Impose a \$50 Base Fee for Race Permits

RECOMMENDATION: The Director of Public Safety recommends the City Council:

- (1) By ordinance, require a permit from the Department of Public Safety prior to holding a race that would disrupt or interfere with traffic or that would not comply with all traffic regulations; and**
- (2) By resolution, amend the fees and charges to impose a base permit fee of \$50.**

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Recently, the City has been receiving a large number of requests to hold races within the city. Most requests involve footraces of five or ten kilometers. These races are held for a variety of reasons. Many are held to raise money for charitable purposes while others are sponsored by private parties for purely private gain.

Each race typically requires Orem officers to control intersections at arterial and collector streets to ensure the safety of the race participants and to control traffic flow. These races are therefore placing a significant demand on Public Safety resources.

The proposed ordinance would require race sponsors to obtain a permit before holding a race within the city. It would require a potential race sponsor to submit an application designating the desired date, time, proposed route, and expected number of race participants. Public Safety personnel will then review the proposed route and make modifications as may be necessary to prevent unnecessary disruption to traffic flow.

Before holding a race, an applicant will be required to pre-pay a fee that will cover the estimated cost of providing Public Safety personnel to provide traffic control and other Public Safety services. The applicant will also be required to provide a clean-up deposit to cover any costs of clean-up that were not appropriately taken care of by the permit holder.

The proposed ordinance also contains provisions requiring a race sponsor to provide insurance and to indemnify the City against any damage or loss that might arise out of the conduct of the race. It also gives the City the right to deny a permit to an applicant if the proposed route or time of the race would substantially interfere with traffic flow or would interfere with emergency services.

Staff is recommending a base permit fee of \$50. If the Council adopts the permitting ordinance, then the proposed resolution amending the fees and charges to include the new fee should be adopted also.

19. ORDINANCE – Approving the Distribution of \$155,000 of CARE Tax Revenue to be Used for the Construction of an Outdoor Performance Stage

RECOMMENDATION: The Interim City Manager recommends the City Council, by ordinance, approve the allocation of \$155,000 of CARE Tax revenue to be used for the construction of the previously-approved outdoor performance stage and storage structure.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: On May 27, 2008, the City Council approved a facility request to use \$250,000 of CARE Tax revenue for the construction of an outdoor performance stage in City Center Park. Sandstrom Architects was engaged to design the structure and submitted four different design options for the City Council’s consideration. These options were presented in a series of study sessions and the final design, which includes an unattached storage structure, was approved by the City Council in May 2010.

The City solicited bids for the construction of the outdoor performance stage and its storage structure, and seventeen qualified bids were received. An additional \$155,000 is needed to complete the project with the lowest qualified bidder. This includes a construction contingency of approximately \$30,000.

CARE Tax revenues have been identified as an appropriate funding source to complete the project. Any funds remaining in the construction contingency account will be returned to the CARE Tax revenue account.

Utah law requires that revenues and interest collected as a result of the imposition of the CARE Tax be distributed in a manner consistent with Utah Code Ann. 59-12-1403, which allows for granting to one or more facilities or organizations. Utah law also requires the City to provide for that distribution by ordinance.

COMMUNICATION ITEMS

20. BUDGET REPORT – Month Ending September 2010

CITY MANAGER INFORMATION ITEMS

- 21. This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURNMENT